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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,451	03/30/2001	Jim Radford	13055/002001	5709

20985 7590 06/23/2005

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EXAMINER	
SHANG, ANNAN Q	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,451	RADFORD ET AL.	
	Examiner	Art Unit	
	Annan Q. Shang	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to because of the following informalities: In claim 13, line 1, the phrase "said protocol determining is..." is recited in claim 12 and not claim 11; In order to provide proper antecedent basis for "said protocol determining" in claim 13, it appears that claim 13 should depend on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, 15 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Graham (6,732,183)**.

As to claims 1-2, note the **Graham** reference figures 1-5, discloses video and audio streaming for multiple users and further discloses a method and a system for delivery of streamed data content from a server to a client device over a communications network, the method comprising:

Client Device (CD) 111/112 requests a streamed audio/video (A/V) "data" content from Web Server (Web-S) 131 "a listing server" (fig. 1-2, col. 4, lines 51-67 and col. 8, line 30-col. 9, line 11);

Web-S 131 delivers to CD-111/112 an initial A/V content file from Server(s) 140, 170, etc., (H-Servers) "one or more hosting servers" having a plurality of streamed A/V content files stored therein (col. 4, line 61-col. 5, line 19, col. 6, lines 10-58 and col. 9, lines 12-47);

Web-S 131, displays the initial streamed AV content to CD-111/112, and implements Browser 302 "a user interface" or "data content displayed region" program, (figs. 3-5) where the program has a browser displayed on CD-111/112 and where the program allows a user of CD-111/112 to adjust the quality or rate level of the streamed A/V content being displayed (col. 10, line 57-col. 11, line 23 and lines 36-49).

As to claim 3-6, Graham further discloses re-requesting from We-S 131 or H-Servers 140-170, a second streamed A/V content file having a different quality level from the initial streamed A/V content file, where the requesting includes an initiation time pointer corresponding to a position within the initial A/V stream data file being displayed at the time of the requesting, and delivering the second A/V data file to CD-111/112 from a position relative to the initiation time pointer, the where the position is less than, 10, 5 and 1 second(s) (col. 5, lines 46-67, col. 8, line 55-col. 9, line 45, col. 10, line 57-col. 11, line 23 and lines 36-49), note that the server response to the user request in real-time and since the user has control of the quality or rate of the A/V data

being received the user can as many times, adjust the rate or quality of the video as desired and the server will dynamically in real-time respond to the user's demands.

As to claim 7, Graham further discloses the program is substantially platform independent (col. 5, lines 20-38, lines 64-67 and col. 6, line 59-col. 7, line 27).

As to claims 8-9, Graham further discloses where A/V data is Java or Javascript and a video file (col. 7, line 57-col. 8, line 10 and line 50-col. 9, line 1+).

As to claims 10-11, Graham further discloses where the different quality level is a different image size and data transfer rate (col. 9, lines 26-45, col. 10, line 57-col. 11, line 23 and lines 26-49).

As to claim 15, Graham further determines a connection speed of CD-111/112 to Web-131 or H-Servers-140-170 prior to delivering the initial A/V content (col. 8, lines 50-col. 1+ and col. 10, line 57-col. 11, line 5).

As to claims 24-25, the claimed "a system for controlling the display of streamed data content, comprising..." contains the same structural elements as rejected claim 1.

As to claim 26, Graham further discloses where CD-111/112 interacts to select a appropriate parameters (col. 10, line 57-col. 11, line 23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12-14, 16-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Graham (6,732,183)** in view of **Vellanki et al (5,999,979).**

As to claim 12-13, Graham teaches all the claimed limitation as previously discussed with respect to claim 1 above, and further teaches bandwidth selection and communicating to CD-111/112 using different protocols, such as UUP, RTP, etc., (col. 6, line 59-col. 7, line 27), but fails to explicitly teaches determining an available protocol on the client device, using the client interface program implemented on the client device.

However, note the **Vellanki** reference figures 1-4, discloses method and apparatus for determining a most advantageous protocol for use in a client-server computer network and where the determination is achieve using a Client interface program (col. 1, line 65-col. 2, line 5, col. 5, line 46-col. 6, line 48).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Vellanki into the system of Graham to determine the appropriate protocol for streaming video to the client and provide the client with the best A/V quality.

As to claims 16 –18, Graham further determines a connection speed of CD-111/112, is determined by reading a user-defined value, where the value is determined using a connection speed determining program implemented on CD-111/112, is the user interface and appropriate for the determined connection speed (col. 8, lines 50-col. 1+ and col. 10, line 57-col. 11, line 23).

As to claim 21, Graham inherently teaches delivering A/V data when the connection speed is greater than about 20 kilobits per second, since the network can deliver video at different speed (col. 10, line 57-col. 11, line 23).

As to claim 22, Graham further teaches where the plurality of A/V data files are stored on H-Servers 140-170 as a single file and converted to appropriate quality level in response to the requesting (col. 9, lines 12-47).

As to claim 23, note the **Graham** reference figures 1-5, discloses video and audio streaming for multiple users and further discloses a method for delivery of streamed data content from a server to a client device over a communications network, the method comprising:

Client Device (CD) 111/112 requests a streamed audio/video (A/V) "data" content from Web Server (Web-S) 131 "a listing server" (fig. 1-2, col. 4, lines 51-67 and col. 8, line 30-col. 9, line 11);

Web-S 131 determines a connections speed selected by CD-111/112 to Server(s) 140, 170, etc., "one or more hosting servers" (col. 4, line 61-col. 5, line 19, col. 10, line 57-col. 11, line 5) having a plurality of streamed A/V content files stored (col. 6, lines 10-58 and col. 9, lines 12-47);

Web-S further delivers to CD-111/112 an initial A/V content file from Server(s) 140, 170, etc., (col. 4, line 61-col. 5, line 19), displays the initial streamed AV content to CD-111/112 and implements Browser 302 "a user interface" program, (figs. 3-5) where the program has a browser displayed on CD-111/112 and where the program allows a

user of CD-111/112 to adjust the quality or rate level of the streamed A/V content being displayed (col. 10, line 57-col. 11, line 23 and lines 36-49).

Graham teaches further teaches bandwidth selection and communicating to CD-111/112 using different protocols, such as UUP, RTP, etc., (col. 6, line 59-col. 7, line 27), but fails to explicitly teaches determining an available protocol on the client device, using the client interface program implemented on the client device.

However, note the **Vellanki** reference figures 1-4, discloses method and apparatus for determining a most advantageous protocol for use in a client-server computer network and where the determination is achieve using a Client interface program (col. 1, line 65-col. 2, line 5, col. 5, line 46-col. 6, line 48).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Vellanki into the system of Graham to determine the appropriate protocol for streaming video to the client and provide the client with the best A/V quality.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Graham (6,732,183)** in view of **Vellanki et al (5,999,979)** as applied to claim 18 above, and further in view of **Brandt et al (6,646,655).**

As to claims 20, Graham as modified by Vellanki teaches streaming video at any user selected speed, but fails to explicitly teach delivering slide show within a preset speed interval.

However, note the **Brandt** reference figures 1-3, discloses extracting a time-sequence of slides from video and transmitting over a network at a preset speed interval (col. 2, line 53-col. 3, line 20 and col. 11, line 44-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Brandt into the system of Graham as modified by Vellanki to set a speed interval for transmitting slides over the network to conserve bandwidth.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sahai et al (6,594,699) disclose system for capability based multimedia streaming over a network.

Andersen et al (6,894,987) disclose method and apparatus for integrating video, voice and computer data traffic in a single, conferencing system using existing telephone and CATV connections.

Tso et al (6,247,050) disclose system for collecting and displaying performance improvement information for a computer.

Ao (2003/0172131) disclose method and system for subject video streaming.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

AS

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